

Fischer, Matt A.

From: CMS 1332-WaiverSupport <1332-WaiverSupport@cms.hhs.gov>
Sent: Wednesday, September 22, 2021 9:21 AM
To: Fischer, Matt A.; Yates, Robert F. (CMS/CCIIO)
Cc: Arnold, John R.; Bartuska, Chrystal A.; Davis, Jessica E.; Rashid, Lina C. (CMS/CCIIO); Zhu, Sonya (CMS/CCIIO); Eda.Herzog-Vitto@treasury.gov; CMS 1332-WaiverSupport
Subject: RE: Modification of Post-Award Forum Procedures

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Dear Matt,

Thank you for your submission on June 24, 2021, of North Dakota's request for a modification of normal post-award forum procedures during the public health emergency pursuant to 45 CFR § 155.1320(c)(2). After evaluating your request, the Department of Health and Human Services and the Department of the Treasury have determined that your proposed modified post-award forum procedures to hold your forum virtually meet the requirements set forth in 45 CFR § 155.1320(c)(2). However, for your next forum, we recommend that North Dakota take more proactive measures to meet relevant accessibility requirements and detail the same in applicable quarterly and annual reports.

Within 15 calendar days of your receipt of this modification determination, please post it and your modification request to your public website along with any information related to the approved revised timeline to hold the post-award forum, as applicable and consistent with 45 CFR § 155.1320(c)(2)(ii)(E). Please also ensure that you summarize your modified post-award forum procedures in applicable quarterly and annual reports consistent with 45 CFR § 155.1320(c).

Sincerely,

CMS Waiver Support Team



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From: Fischer, Matt A. <mattfischer@nd.gov>
Sent: Monday, July 26, 2021 12:03 PM
To: CMS 1332-WaiverSupport <1332-WaiverSupport@cms.hhs.gov>; Yates, Robert F. (CMS/CCIIO) <Robert.Yates@cms.hhs.gov>
Cc: Arnold, John R. <jrarnold@nd.gov>; Bartuska, Chrystal A. <cabartuska@nd.gov>; Davis, Jessica E.

<jessdavis@nd.gov>

Subject: RE: Modification of Post-Award Forum Procedures

Good morning,

I apologize for the delay in the response. Please see our responses below and if you need anything else let us know.

- The meeting was held via Microsoft Teams, however, our notice did not include the ADA statement as this was a virtual only meeting.
- The meeting posted on 12/11/2020 at 11:06am.

Thanks,

Matt

From: CMS 1332-WaiverSupport <1332-WaiverSupport@cms.hhs.gov>

Sent: Monday, July 26, 2021 10:28 AM

To: Fischer, Matt A. <mattfischer@nd.gov>; Yates, Robert F. (CMS/CCIIO) <Robert.Yates@cms.hhs.gov>; CMS 1332-WaiverSupport <1332-WaiverSupport@cms.hhs.gov>

Cc: Arnold, John R. <jrarnold@nd.gov>; Bartuska, Chrystal A. <cabartuska@nd.gov>; Davis, Jessica E. <jessdavis@nd.gov>

Subject: RE: Modification of Post-Award Forum Procedures

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Dear Matt,

Just checking in on North Dakota's responses to the questions below. Please let us know if any clarification would help.

Thanks,

CMS Waiver Support Team

From: CMS 1332-WaiverSupport

Sent: Thursday, July 8, 2021 3:27 PM

To: 'Fischer, Matt A.' <mattfischer@nd.gov>; Yates, Robert F. (CMS/CCIIO) <Robert.Yates@cms.hhs.gov>

Cc: Arnold, John R. <jrarnold@nd.gov>; Bartuska, Chrystal A. <cabartuska@nd.gov>; Davis, Jessica E. <jessdavis@nd.gov>; CMS 1332-WaiverSupport <1332-WaiverSupport@cms.hhs.gov>

Subject: RE: Modification of Post-Award Forum Procedures

Dear Matt,

Thank you for submitting North Dakota's request for a modification of normal post-award forum procedures. At your earliest convenience, we would appreciate it if you could provide additional information on your proposed procedures related to:

- How you ensured compliance with applicable federal civil rights requirements and other accessibility requirements, including specific measures you took (see [preamble of our 2012 rule](#), p. 7 of 22)
- The date you posted public notice of this post-award forum

Thank you,

CMS Waiver Support Team



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From: Fischer, Matt A. <mattfischer@nd.gov>

Sent: Thursday, June 24, 2021 12:35 PM

To: Yates, Robert F. (CMS/CCIIO) <Robert.Yates@cms.hhs.gov>

Cc: CMS 1332-WaiverSupport <1332-WaiverSupport@cms.hhs.gov>; Arnold, John R. <jrarnold@nd.gov>; Bartuska, Chrystal A. <cabartuska@nd.gov>; Davis, Jessica E. <jessdavis@nd.gov>

Subject: RE: Modification of Post-Award Forum Procedures

Good morning Robert,

We held our annual public forum on 1/15/2021. No members of the public attended the forum. We reported this on our 2020 Annual Report which was submitted last week. We did, however, omit this in on our 1st Qtr 2021 report.

The following link [1332 Waiver Virtual Annual Meeting | North Dakota Insurance Department \(nd.gov\)](#) is where the information for the forum along with instructions for attendance were posted.

If you have any additional questions or need anything further, please let us know.

Thanks,

Matt Fischer, CFE
Chief Examiner & Director of Company Licensing & Examinations
North Dakota Insurance Department
600 E Boulevard Ave
Bismarck, ND 58505-0320
mattfischer@nd.gov
701-328-9617



From: Yates, Robert F. (CMS/CCIIO) <Robert.Yates@cms.hhs.gov>
Sent: Wednesday, June 23, 2021 7:30 AM
To: CMS 1332-WaiverSupport <1332-WaiverSupport@cms.hhs.gov>
Subject: RE: Modification of Post-Award Forum Procedures

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Good morning,

If you are receiving this e-mail, we have not yet received a post-award forum modification request from your state. If you anticipate taking advantage of the flexibility to hold your forum virtually but have not yet submitted a request, please do so approximately 45 days prior to your scheduled forum (or as soon as possible).

Please e-mail all requests for modification of normal post-award forum procedures to 1332-WaiverSupport@cms.hhs.gov. In your request there are several critical topics that we request you cover in terms of detailing your alternative procedures. First, please detail your reason(s) for modifying the normal post-award procedures (e.g., to mitigate the potential risk associated with COVID-19). Please also confirm that you will publish notice of the meeting and ensure that the public can attend to ensure the greatest opportunity and level of meaningful public comment. If you proceed with a virtual meeting, please ensure that you inform the public of the virtual “location, date and time of public hearings” and detail the same in your request. Specifically, please publish the date, time, and location of the forum in a prominent location on the state's public web site at least 30 days prior to the scheduled date. Other considerations to include in your request are how you will ensure residents can ask questions, track attendance (if possible), and ensure compliance with applicable civil rights requirements and other laws pertaining to accessibility (which are discussed in the preamble of the 2012 rule). You should also plan to document any modifications to your post-award forum process that were utilized in the soonest quarterly report after which the forum was held and next year’s annual report consistent with §155.1324(a) and (b).

We have attached a streamlined checklist to help you in drafting your requests. Please let us know if you have any questions or concerns.

Thank you,

Robert F. Yates
Robert.Yates@cms.hhs.gov | 301-492-5151



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From: Yates, Robert F. (CMS/CCIIO)
Sent: Monday, June 14, 2021 10:53 AM
To: CMS 1332-WaiverSupport <1332-WaiverSupport@cms.hhs.gov>
Subject: RE: Modification of Post-Award Forum Procedures

Dear 1332 Waiver Grantees:

Thank you for submitting your requests for modification of post-award forum procedures. For any states that anticipate taking advantage of this flexibility but have not yet submitted a request, we encourage you to do so approximately 45 days prior to your scheduled forum (or as soon as possible).

Thank you,

CMS 1332 Waiver Support Team

Robert F. Yates
Robert.Yates@cms.hhs.gov | 301-492-5151



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From: Yates, Robert F. (CMS/CCIIO)
Sent: Tuesday, May 4, 2021 2:51 PM
To: CMS 1332-WaiverSupport <1332-WaiverSupport@cms.hhs.gov>
Subject: Modification of Post-Award Forum Procedures

Dear 1332 Waiver Grantees:

As you plan for quarterly reports and post-award forums in line with the requirements of 45 CFR § 155.1320(c), we wanted to ensure that you are aware of our discretion to modify normal post-award forum procedures under 45 CFR § 155.1320(c)(2) during the COVID-19 public health emergency. As a reminder, the Q1 reports are due by 5/31 and Q2 reports are due by 8/31. In addition, within at least 6 months after the implementation date of a section 1332 waiver and annually thereafter, states must hold a public forum to solicit comments on the progress of a section 1332 waiver. The state must publish the date, time, and location of the public forum in a prominent location on the state's public web site, at least 30 days prior to the date of the planned public forum.

Please e-mail all requests for modification of normal post-award forum procedures to 1332-WaiverSupport@cms.hhs.gov. In your request there are several critical topics that we request you cover in terms of detailing your alternative procedures. First, please detail your reason(s) for modifying the normal post-award procedures (e.g., to mitigate the potential risk associated with COVID-19). Please also confirm that you will publish notice of the meeting and ensure that the public can attend to ensure the greatest opportunity and level of meaningful

public comment. If you proceed with a virtual meeting, please ensure that you inform the public of the virtual “location, date and time of public hearings” and detail the same in your request. Specifically, please publish the date, time, and location of the forum in a prominent location on the state's public web site at least 30 days prior to the scheduled date. Other considerations to include in your request are how you will ensure residents can ask questions, track attendance (if possible), and ensure compliance with applicable civil rights requirements and other laws pertaining to accessibility (which are discussed in the preamble of the 2012 rule). You should also plan to document any modifications to your post-award forum process that were utilized in the soonest quarterly report after which the forum was held and next year’s annual report consistent with §155.1324(a) and (b).

After receipt of your request, we will inform you of our determination within approximately 15 calendar days of receipt. Within 15 days of receiving our determination, please publish your request and our determination on your public website along with any information related to revising your normal timeline to hold the forum.

Sincerely,

CMS 1332 Waiver Support Team

Robert F. Yates

Robert.Yates@cms.hhs.gov | 301-492-5151



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